

SENATE BILL 27

C3

0lr0675

(PRE-FILED)

By: **Senator Conway**

Requested: October 1, 2009

Introduced and read first time: January 13, 2010

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2010

Returned to second reading: February 19, 2010

Senate action: Adopted with floor amendments

Read second time: February 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Benefits for In Vitro Fertilization – Donor Sperm**

3 FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and
4 health maintenance organizations from excluding benefits for certain expenses
5 arising from in vitro fertilization procedures when the patient’s oocytes are
6 fertilized with donor sperm under certain circumstances; providing for the
7 application of this Act; and generally relating to benefits for in vitro fertilization
8 services by health insurers.

9 BY repealing and reenacting, with amendments,
10 Article – Insurance
11 Section 15–810
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Insurance**

17 15–810.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) This section applies to:

2 (1) insurers and nonprofit health service plans that provide hospital,
3 medical, or surgical benefits to individuals or groups on an expense-incurred basis
4 under health insurance policies that are issued or delivered in the State; and

5 (2) health maintenance organizations that provide hospital, medical,
6 or surgical benefits to individuals or groups under contracts that are issued or
7 delivered in the State.

8 (b) (1) An entity subject to this section that provides pregnancy-related
9 benefits may not exclude benefits for all outpatient expenses arising from in vitro
10 fertilization procedures performed on the policyholder or subscriber or dependent
11 spouse of the policyholder or subscriber.

12 (2) The benefits under this subsection shall be provided:

13 (i) for insurers and nonprofit health service plans, to the same
14 extent as the benefits provided for other pregnancy-related procedures; and

15 (ii) for health maintenance organizations, to the same extent as
16 the benefits provided for other infertility services.

17 (c) Subsection (b) of this section applies if:

18 (1) the patient is the policyholder or subscriber or a covered dependent
19 of the policyholder or subscriber;

20 (2) the patient's oocytes are fertilized with:

21 (I) the patient's spouse's sperm; **OR**

22 (II) **DONOR SPERM IF:**

23 **1. THE PATIENT'S SPOUSE IS UNABLE TO PRODUCE**
24 **SPERM DUE TO NONOBSTRUCTIVE AZOOSPERMIA; AND**

25 **2. THE PATIENT HAS A HISTORY OF OVARIAN**
26 **HYPERSTIMULATION SYNDROME;**

27 (3) (i) the patient and the patient's spouse have a history of
28 infertility of at least 2 years' duration; or

29 (ii) the infertility is associated with any of the following medical
30 conditions:

31 1. endometriosis;

